

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-4, 10, 12, 16, 18-26, 28, 32, 33, 35, and 36 are pending in the application, with claims 1, 10, 24, 34, and 36 being independent. Applicant cancels claims 9, 11, 13, 29, and 34 without prejudice, waiver, or disclaimer of the subject matter. Applicant amends claims 1, 10, 12, 18, 19, 20, 21, 22, 24, 25, 26, 28, 32, 33, and 35 to clarify features of the claimed subject matter. The original specification and drawings support these claim amendments at least at page 11, lines 13-19. Therefore, claims 1-4, 10, 12, 16, 18-26, 28, 32, 33, 35, and 36 are presented and directed to subject matter of the original disclosure.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the application in better form for appeal.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103 A. AND B.

A. Claim 10, 12, 16, 18-26, 28, and 32 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2008/0155109 to Khedouri et al. (hereinafter "Khedouri") in view of U.S. Patent No. 5,761,602 to Wagner et al (hereinafter "Wagner"). Applicant respectfully disagrees.

Without conceding the propriety of the stated rejection, and only to advance the prosecution of this application, Applicant amends **independent claim 10** to clarify features of the claimed subject matter. Amended claim 10 now recites a system that facilitates file sharing comprising (emphasis added):

a content analysis component that analyzes at least one file for which sharing is desired, the analysis is based on at least one of file type, file content, file size, or file security level, wherein the at least one file is located in one or more virtual share spaces;

a channel analysis component that assesses at least one of a security level threshold, a file size threshold, availability or compatibility of a plurality of channels and determines *based upon the analysis of the content analysis component* the most appropriate channel to employ to share the at least one file; and

a channel controller component that selects at least one communication channel that is determined to be available to transport the at least one file based at least in part upon the channel and analysis and activates the selected channel.

authentication component that authenticates input to facilitate determining that a user has requisite access rights to gain access to the at least one file in the virtual space at least in part by matching user-based input to one or more listing comprising users who are pre-approved for access as indicated by at least one of their username, password, email address, network name, or computer name, wherein the user is removed and no longer granted access when the user no longer needs access or has lost access, wherein the user is removed by dragging or deleting their name from the virtual space.

Applicant respectfully submits that no such system is disclosed, taught, or suggested by Khedouri and/or Wagner, alone or in combination.

In making out the rejection of this claim, the Office states that the feature of “a channel analysis component that determines the most appropriate channel to employ to share the at least one file,” as stated in Applicant’s claim 1, is met by Khedouri at page

13, paragraph [0098]. See, Office Action, page 3. Applicant respectfully disagrees. Rather, Khedouri describes that “the **user** selects from available programmed content channels displayed on the portable devices.” See, Khedouri, paragraph [0098], emphasis added. In contrast, Applicant’s amended claim 1 recites “a *channel analysis component that assesses at least one of a security level threshold, a file size threshold, availability or compatibility of a plurality of channels and determines based upon the analysis of the content analysis component the most appropriate channel to employ to share the at least one file.*” The Office has not identified any teaching in Khedouri as showing this recited feature. Thus, the function described in Khedouri and in Applicant’s claim 10 are different. For example, as stated in Applicant’s Specification, “the channel analysis component can make its determination with respect to the most appropriate channel to employ to share the desired content in the most efficient manner while maintaining the requisite security.” See, Applicant’s Specification, page 11, lines 13-15.

In addition, Applicant amends independent claim 10 to include features similar to those of former dependent claim 11. Applicant cancels claim 11 without prejudice, waiver, or disclaimer of the subject matter. Applicant’s amended claim 10 recites “*authentication component that authenticates input to facilitate determining that a user has requisite access rights to gain access to the at least one file in the virtual space at least in part by matching user-based input to one or more listing comprising users who are pre-approved for access as indicated by at least one of their username, password, email address, network name, or computer name, wherein the user is removed and no longer granted access when the user no longer needs access or has lost access, wherein the user is removed by dragging or deleting their name from the virtual space.*”

In making out the rejection of claim 11, the Office states that “Khedouri teaches further comprising an authentication component that authenticates input to facilitate determining that a user has requisite access rights to gain access to the at least one file at least in part by matching user-based input to one or more listings comprising users who are pre-approved for access as indicated by at least one of their username, password, email address, network name, or computer name.” *See*, Office Action, page 6 (citing to Khedouri, page 2, paragraph [0013]. Applicant respectfully submits that the cited section of Khedouri does not disclose, teach, or suggest the features as recited in Applicant’s amended claim 10. For example, Khedouri fails to disclose, teach, or suggest *“authentication component that authenticates input to facilitate determining that a user has requisite access rights to gain access to the at least one file in the virtual space at least in part by matching user-based input to one or more listing comprising users who are pre-approved for access as indicated by at least one of their username, password, email address, network name, or computer name, wherein the user is removed and no longer granted access when the user no longer needs access or has lost access, wherein the user is removed by dragging or deleting their name from the virtual space.”* Rather, this section of Khedouri describes a summary of the invention including “a first security means for enabling the downloading and storage of the requested files and a second security means for the management and playing of the stored files.” *See*, Khedouri, page 2, paragraph [0013]. Thus, the Office has not identified any portion of Khedouri as teaching this recited feature.

Applicant respectfully submits that Wagner fails to compensate for the deficiencies of Khedouri. Rather, Wagner describes a multichannel data transmission

system that provides access to remote systems. *See*, Wagner, Abstract. More specifically, Wagner describes providing a hybrid telephone/multichannel-television and/or FM broadcast transmission system for information distribution, datacasting and interactive data communications.

Thus, Khedouri and/or Wagner, alone or in combination, do not disclose, teach, or suggest the claimed subject matter. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejection made under § 103 rejection be withdrawn.

Dependent claims 12, 16, and 18-23 depend directly or indirectly from independent claim 10 and thus are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant respectfully requests individual consideration of these dependent claims.

Independent Claim 24

Without conceding the propriety of the stated rejection and only to advance the prosecution of this application, Applicant amends independent claim 24 to clarify features of the claimed subject matter. Amended claim 24 now recites a content-sharing and transport method comprising (emphasis added):

creating one or more virtual share spaces on a primary computer to maintain content for sharing with other secondary computers;

receiving user-based input from a receiver in request to access content designated for sharing on the virtual share space;

authenticating the user-based input to confirm at least one of user identity or user access rights to the content; and

selecting at least one communication channel to facilitate sharing with or transporting the content from the virtual share space to a secondary computer based at least in part on availability, analysis of the content, security threshold of the content and content size, *wherein the selecting is performed by a channel analysis component;*

installing a module on a sender's communication system and a recipient's communication system;

dividing a large file into two or more smaller chunks utilizing the module installed on the sender's communication system, wherein the two or more chunks are identified with one or more special keys in a subject line or an email header;

sending each chunk separately to the receiver;

intercepting each chunk using the module on the recipient's communication system, wherein the module is further configured to:

remove each chunk from the communication channel; and

save each chunk in a local file on the secondary computer;

acknowledging receipt of each chunk before sending a subsequent chunk;

assembling the two or more chunks to create a copy of the content;

encrypting the two or more chunks before sending each chunk; and

decrypting each chunk before or during the assembling of the two or more chunks, wherein the two or more chunks.

Applicant respectfully submits that no such method is disclosed, taught, or suggested by Khedouri and/or Wagner, alone or in combination.

In making out the rejection of this claim, the Office states that the feature of “selecting at least one communication channel to facilitate sharing with or transporting the content from the virtual share space to a secondary computer,” as stated in Applicant’s claim 24, is met by Khedouri at page 13, paragraph [0098]. *See*, Office Action, page 4. Applicant respectfully disagrees. Nevertheless, without conceding the

propriety of the stated rejection, Applicant amends independent claim 24 to recite *“selecting at least one communication channel to facilitate sharing with or transporting the content from the virtual share space to a secondary computer based at least in part on availability, analysis of the content, security threshold of the content and content size, wherein the selecting is performed by a channel analysis component.”* Khedouri fails to disclose, teach or suggest these recited features. Rather, Khedouri describes that “the **user** selects from available programmed content channels displayed on the portable devices.” See, Khedouri, paragraph [0098], emphasis added.

In addition, Applicant amends independent claim 24 to include features similar to those of former dependent claim 29. Applicant cancels claim 29 without prejudice, waiver, or disclaimer of the subject matter. Applicant's amended claim 24 recites *“installing a module on a sender's communication system and a recipient's communication system; dividing a large file into two or more smaller chunks utilizing the module installed on the sender's communication system, wherein the two or more chunks are identified with one or more special keys in a subject line or an email header; sending each chunk separately to the receiver; intercepting each chunk using the module on the recipient's communication system, wherein the module is further configured to: remove each chunk from the communication channel; and save each chunk in a local file on the secondary computer; acknowledging receipt of each chunk before sending a subsequent chunk; assembling the two or more chunks to create a copy of the content; encrypting the two or more chunks before sending each chunk; and decrypting each chunk before or during the assembling of the two or more chunks, wherein the two or more chunks.”*

In making out the rejection of claim 29, the Office cites to page 3, paragraph [0020]; page 13, paragraph [0100]; and page 15, paragraph [130]. See, Office Action, page 17. Applicant respectfully submits that the cited sections of Khedouri do not disclose, teach, or suggest the features as recited in Applicant's amended claim 24. For example, page 15, paragraph [130] of Khedouri describes "the indexed lists are sent down to the device in small chunks, so that the size of the 'packets' of information that need to be transmitted can be sent in a step-wise manner, without requiring time-consuming 50MB downloads that would be subject to connection breakage and other problems." In contrast, Applicant's amended claim 24 recites "*dividing a large file into two or more smaller chunks utilizing the module installed on the sender's communication system, wherein the two or more chunks are identified with one or more special keys in a subject line or an email header.*"

Applicant respectfully submits that Wagner fails to compensate for the deficiencies of Khedouri. Rather, Wagner describes a multichannel data transmission system that provides access to remote systems. See, Wagner, Abstract. More specifically, Wagner describes providing a hybrid telephone/multichannel-television and/or FM broadcast transmission system for information distribution, datacasting and interactive data communications.

Thus, Khedouri and/or Wagner, alone or in combination, do not disclose, teach, or suggest the claimed subject matter. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejection made under § 103 rejection be withdrawn.

Dependent claims 25, 26, 28, and 32 depend directly or indirectly from independent claim 24 and thus are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant respectfully requests individual consideration of these dependent claims.

B. Claim 1-4, 29, 33, 35, and 36 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Publication No. 2008/0155109 to Khedouri et al. (hereinafter “Khedouri”), in view of U.S. Patent No. 5,761,602 to Wagner et al. (hereinafter “Wagner”), and in further view of U.S. Patent No. 7,167,981 to Tanimoto. Applicant respectfully disagrees.

Without conceding the propriety of the stated rejection and only to advance the prosecution of this application, Applicant amends independent claim 1 to clarify features of the claimed subject matter. Amended claim 1 now recites a system that facilitates file sharing between at least any two computers, comprising (emphasis added):

an authentication component that verifies a user’s identity based in part on a user-based input to determine whether the user has access rights to the file;

a content analysis component that analyzes at least one file for which sharing is desired, the analysis is based on at least one of file type, file content, file size, or file security level resulting in content-related information;

a channel analysis component that identifies and determines whether any communication channels are available to share the file between the at least two computers based in part on one or more characteristics of the file communicated to the channel analysis component from the content analysis component;

a channel controller component that selects at least one communication channel that is determined to be available to transport the file based in part upon analysis of the one or more characteristics of the file;

one or more communication channels comprising a module installed on a sender's communication system and a module installed on a recipient's communication system, the module installed on the sender's communication system divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver and the receiver acknowledges receipt of each chunk before a subsequent chunk is sent; and

the two or more chunks are encrypted in part by the module on the sender's communication system and decrypted in part by module on the recipient's communication system and the two or more chunks are identified with one or more special keys in a subject line or an email header.

Applicant respectfully submits that no such system is disclosed, taught, or suggested by Khedouri, Wagner, and/or Tanimoto, alone or in combination.

In making out the rejection of this claim, the Office states that the feature of "an analysis component that identifies and determines whether any communication channels are available to share the file between the at least two computers," as stated in Applicant's claim 1, is met by Khedouri at page 13, paragraph [0098]. *See*, Office Action, page 9. Applicant respectfully disagrees. Rather, this cited section of Khedouri describes that "the *user* selects from available programmed content channels displayed on the portable devices." *See*, Khedouri, paragraph [0098], emphasis added. In contrast, Applicant's amended claim 1 recites "*a channel analysis component that identifies and determines whether any communication channels are available to share the file between the at least two computers based in part on one or more characteristics of the file communicated to the channel analysis component from the content analysis component.*" The Office has not identified any teaching in Khedouri as showing this recited feature. Thus, the functions described in Khedouri and in Applicant's claim 1 are different. For

example, as stated in Applicant's Specification, "the channel analysis component can make its determination with respect to the most appropriate channel to employ to share the desired content in the most efficient manner while maintaining the requisite security." *See*, Applicant's Specification, page 11, lines 13-15.

Applicant respectfully submits that Wagner fails to compensate for the deficiencies of Khedouri. Rather, Wagner describes a multichannel data transmission system that provides access to remote systems. *See*, Wagner, Abstract. More specifically, Wagner describes providing a hybrid telephone/multichannel-television and/or FM broadcast transmission system for information distribution, datacasting and interactive data communications.

Further, Applicant respectfully submits that Tanimoto fails to compensate for the deficiencies of Khedouri and Wagner. Rather, Tanimoto describes a method of transmitting email capable of broadcasting the email including encrypted data effectively. *See*, Tanimoto, Abstract. When a personal computer PC1 accepts an instruction to transmit same data to multiple destinations by email, the PC1 generates a session key and encrypts the data by utilizing the generated session key. *See*, Tanimoto, Abstract. The PC1 transmits the email including the encrypted data and the encrypted session key to each destination. *See*, Tanimoto, Abstract.

Thus, Khedouri, Wagner, and/or Tanimoto, alone or in combination, do not disclose, teach, or suggest the claimed subject matter. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejection made under § 103 rejection be withdrawn.

Dependent claims 2-4 and 35 depend directly or indirectly from independent claim 1 and thus are allowable by virtue of this dependency, as well as for additional features that they recite. Applicant respectfully requests individual consideration of these dependent claims.

Independent Claim 33

Without conceding the propriety of the stated rejection and only to advance the prosecution of this application, Applicant amends independent claim 33 to clarify features of the claimed subject matter. Amended claim 33 now recites a content-sharing system comprising (emphasis added):

means for receiving user-based input in request to access content designated for sharing;

means for determining at least one communication channel to employ to facilitate sharing with or transporting the content from the virtual share space to another computer based at least in part on availability, analysis of the content, the content security and content size, wherein the means comprises at least a channel analysis component;

means for communicating between computers that divides a large file into two or more smaller chunks, whereby each chunk is sent separately and acknowledged upon receipt before a subsequent chunk is sent;

means for encrypting the two or more chunks;

means for decrypting the two or more chunks; and

means for identifying the two or more chunks with special keys in subject line or email headers.

Applicant respectfully submits that Khedouri, Wagner, and/or Tanimoto, alone or in combination, fail to disclose, teach, or suggest the features of independent claim 33 for reasons similar to those discussed above with respect to independent claim 1. For example, the Office has failed to show that Khedouri, Wagner, and/or Tanimoto disclose,

teach, or suggest “*means for determining at least one communication channel to employ to facilitate sharing with or transporting the content from the virtual share space to another computer based at least in part on availability, analysis of the content, the content security and content size, wherein the means comprises at least a channel analysis component,*” as recited in Applicant’s amended claim 33.

Thus, Khedouri, Wagner, and/or Tanimoto, alone or in combination, do not disclose, teach, or suggest the claimed subject matter. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejection made under § 103 rejection be withdrawn.

Independent Claim 36

Independent claim 36 recites a system that facilitates sharing content between at least any two computers comprising (emphasis added):

an authentication component that verifies a user’s identity based in part on user-based input to determine whether the user has access rights to the content;

an analysis component that identifies and determines whether any communication channels are available to share the content between the at least two computers based at least in part on one or more characteristics of the content;

a channel controller component that selects at least one communication channel that is determined to be available to transport the content based at least in part upon analysis of the content and security of the content;

one or more communication channels comprising a module installed on a sender and a recipient’s communication system that divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver and the receiver acknowledges receipt of each chunk before a subsequent chunk is sent, wherein the two or more chunks are encrypted in part by the module on the sender’s communication system and

decrypted in part by module on the recipient's communication system and the two or more chunks are identified with special keys in subject line or email headers; and

a virtual share space that stores content to be shared with one or more other computers, wherein the virtual share space is accessed by at least one of at least one communication channel or a unique key.

Applicant respectfully submits that Khedouri, Wagner, and/or Tanimoto, alone or in combination, fail to disclose, teach, or suggest the features of independent claim 36 for reasons similar to those discussed above with respect to independent claim 1. For example, the Office has failed to show that Khedouri, Wagner, and/or Tanimoto disclose, teach, or suggest *“a channel controller component that selects at least one communication channel that is determined to be available to transport the content based at least in part upon analysis of the content and security of the content,”* as recited in Applicant's claim 36.

Thus, Khedouri, Wagner, and/or Tanimoto, alone or in combination, do not disclose, teach, or suggest the claimed subject matter. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejection made under § 103 rejection be withdrawn.

Conclusion

Claims 1-4, 10, 12, 16, 18-26, 28, 32, 33, 35, and 36 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

Lee & Hayes, PLLC

Date: July 13, 2009

By: /Kristina M. Kuhnert/
Kristina Kuhnert
Reg. No. 62,665
509.324.9256 ext. 217

Shirley Lee Anderson
Reg. No. 57,763